

## REMARKS

Claims 1-18 are pending in the current application. In the Office Action dated July 29, 2003, claims 1-18 were rejected as being anticipated by Gonno (EP Patent No. 000876023). Applicants traverse the rejections as follows.

### Claims 1 and 10

Claims 1 and 10 were rejected as being anticipated by Gonno. It was alleged that Gonno teaches, among other things, 1) a memory for storing a predetermined number for determining when to re-transmit [a] frame" and 2) "a processor for determining a cumulative number of times that [the] frame was received in error and for ordering a re-transmission of [the] frame if [the] cumulative number of times is greater than [the] predetermined number". Applicants do not believe that Gonno teaches these features found in Applicants' claims.

With respect to item 1), above, Applicants believe that Gonno does not teach a memory for storing a predetermined number for determining when to re-transmit frames. The Office Action stated that Gonno teaches this feature in column 4, line 27, however Applicants can find no mention of a memory for storing such a predetermined number. Furthermore, Applicants assert that Gonno fails to teach this feature anywhere in the specification.

With respect to item 2), above, Applicants do not believe that Gonno teaches re-transmission based on the number of times a frame re-transmission request is received. Gonno does teach "totaling the retransmission requests" and "control means for controlling transmitting means to retransmit the data, the retransmission of which is requested, based on the total from the totaling means." (Gonno, col. 4, lines 11-15) Applicants do not believe this passage from Gonno is equivalent to Applicants' feature of re-transmitting if a cumulative number of the same frame is received in error, the cumulative number exceeding a predetermined number. At best, the cited text from Gonno is unclear. However, Gonno gives an example of the "totaling" process in the text cited below:

For example, in the above-described example shown in Fig. 3, the retransmission of packets b and d is requested by the receiver 3<sub>3</sub>, and the retransmission of packets d and e is requested by the receiver 3<sub>5</sub>. Accordingly, the logical sum of the packets, namely, packets b, d and e are found as packets to be retransmitted. Information (the result of totaling the retransmission request signals NAK) (hereinafter referred to as "retransmission information" if necessary) representing the packets to be retransmitted is supplied from the retransmission request totaling unit 15 to the schedule-managing unit 14.